

*Draft Order laid before Parliament under section 25(10) of the Government Resources and Accounts Act 2000, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**GOVERNMENT RESOURCES AND ACCOUNTS**

The Government Resources and Accounts Act 2000  
(Audit of Non-profit-making Companies) Order 2009

Made - - - - - \*\*\*  
Coming into force - - - - - *in accordance with*  
*article 1*

The Treasury, in exercise of the powers conferred by section 25(6) and (7)(b) of the Government Resources and Accounts Act 2000(1), makes the following Order.

In accordance with section 25(7)(a) of that Act it appears to the Treasury that each of the bodies specified in the Schedule exercises functions of a public nature or is entirely or substantially funded from public money.

In accordance with section 25(10)(b) of that Act the Treasury has consulted the Comptroller and Auditor General.

A draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 25(10)(c) of that Act:

**Citation and commencement**

1. This Order may be cited as the Government Resources and Accounts Act 2000 (Audit of Non-profit-making Companies) Order 2009 and comes into force on the day after the day on which it is made.

**Interpretation**

2. In this Order—

“financial year” has the meaning given by section 390 of the 2006 Act; and

“the 2006 Act” means the Companies Act 2006(2).

### **Audit of non-profit-making companies by the Comptroller and Auditor General**

3.—(1) The Comptroller and Auditor General shall audit the annual accounts of companies listed in the Schedule.

(2) This article applies for financial years which begin on or after the date shown in the Schedule opposite the name of the company.

(3) In this article, “annual accounts” has the meaning given by section 471 of the 2006 Act.

### **Application to financial years**

4. Article 3 does not apply unless a company also meets the eligibility conditions for a financial year.

### **Eligibility conditions**

5.—(1) The eligibility conditions are that—

- (a) the company is non-profit-making;
- (b) where the company is a parent company or a subsidiary undertaking, every group undertaking is also non-profit-making; and
- (c) the balance sheet of the company contains the statement required by section 475(2) (requirement for audited accounts) of the 2006 Act that it is exempt from the requirements of Part 16 under section 482 (non-profit-making companies subject to public sector audit) of that Act.

(2) In this article—

“group undertaking” has the meaning given by section 1161(5) of the 2006 Act;

“non-profit-making” has the same meaning as in Article 48 of the Treaty establishing the European Community<sup>(3)</sup>;

“parent company” has the meaning given by section 1173(1) of the 2006 Act; and

“subsidiary undertaking” has the meaning given by section 1162 of and Schedule 7 to the 2006 Act.

### **Audit procedure**

6.—(1) The directors of a company whose accounts fall to be audited under article 3 shall send a copy of the accounts for the financial year to the Comptroller and Auditor General as soon as is reasonably practicable.

(2) The Comptroller and Auditor General shall—

- (a) examine, certify and report to the company’s members on accounts received under this article; and
- (b) send a copy of the accounts and the report to the Secretary of State or any other Minister of the Crown who shall lay them before Parliament.

(3) In this article “directors” has the meaning given by section 250 of the 2006 Act.

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(3) O.J. No C 321E, 29.12.06, p.61.

**Notifying Comptroller and Auditor General of non-eligibility**

7. For any financial year in which a company listed in the Schedule does not meet the eligibility conditions, it shall give notice to the Comptroller and Auditor General as soon as is reasonably practicable after it becomes aware of that fact.

Date

*Name*  
*Name*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

## SCHEDULE

Article 3

## List of companies

<i>Company name</i>	<i>Date</i>	<i>Company number</i>
British Educational Communications and Technology Agency	1 April 2008	02090588
Capacity Builders (UK) Limited	1 April 2008	05708912
Caversham Lakes Trust Limited	1 April 2008	04290188
Children's Workforce Development Council	1 April 2008	05409076
The Commission for the Compact	1 April 2008	05932855
The English Institute of Sport Limited	1 April 2008	04420052
Firebuy Limited	1 April 2009	05568715
The Geffrye Museum Trust	1 April 2008	02476642
The Great Britain-China Centre	1 April 2008	01196043
Independent Housing Ombudsman Limited	1 April 2009	03290221
Investors in People UK	1 April 2008	02860079
JNCC Support Company	1 April 2008	05380206
The Museums, Libraries and Archives Council	1 April 2008	03888251
The National College for School Leadership Limited	1 April 2008	04014904
The National Forest Company	1 April 2008	02991970
The Northern Ireland Police Fund	1 April 2008	NI 042342
Northwest Business Link	1 April 2008	06060925
The Pensions Advisory Service	1 April 2008	02459671
Phoenix Sports Limited	1 April 2008	03487652
The School Food Trust	1 April 2008	05386058
SITPRO Limited	1 April 2009	04188890
The Sports Council Trust Company Limited	1 April 2008	02517615
UK Commission for Employment and Skills	1 April 2009	06425800
The Westminster Foundation for Democracy Limited	1 April 2008	02693163
Working Ventures UK	1 April 2008	05770846
The Yorkshire and Humber Sustainable Futures Company Limited	1 April 2008	05383346

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the Comptroller and Auditor General to audit the accounts of the companies listed in the Schedule. The Order applies to accounts prepared for financial years which begin on or after the date shown against each company in the Schedule.

Provided they meet the requirements in sections 475 and 482 of the Companies Act 2006 for the respective financial year, the non-profit-making companies that are listed in this Order will be exempted from the normal requirement for a statutory audit in accordance with Part 16 of that Act. The eligibility conditions in Article 5 set out the requirements from that Act.

If for any financial year a company listed in this Order will not meet the eligibility conditions, it must inform the Comptroller and Auditor General as soon as reasonably practicable of that fact.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Treasury Officer of Accounts Team, HM Treasury, 1 Horse Guards Road, London SW1A 2HQ and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.